

IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

IN RE: JAMES & DIANE ERNST
Debtor

CASE NO. 10-32383
Chapter 13
Judge Walter

DEBTOR'S MOTION OBJECTING
TO PROOF OF CLAIM OF CREDITOR & NOTICE

Now comes the Debtor, through Counsel, and moves the Court to disallow, ☒ in full or ☐ in part, the Amended Claim of MATRIX ACQUISITIONS LLC, Court's claim #3-2 filed on 4/27/2010, claim a ☒ secured ☐ priority /☐ unsecured balance of \$8423.74.

The debtor objects to the claim as the Debtor has surrendered the real estate. There is no real estate available to secure the judgment lien.

Wherefore, the Debtor requests the claim of Matrix Acquisitions LLC be disallowed in the full claim amount.

Respectfully submitted,

/s/ Wayne P. Novick
WAYNE P. NOVICK, 0030248
Attorney for Debtors
2135 Miamisburg-Centerville Rd
Centerville, OH 45459
(937) 436-2606
gratefullawyer2@gmail.com

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CERTIFICATE OF SERVICE WITH THIRTY DAY NOTICE

Notice is hereby given that a response containing an affirmative defense must be filed within thirty (30) days of the date set forth in the below certificate of service or an order will be submitted to the Court for the relief as set forth herein.

The undersigned hereby certifies that a copy of the foregoing objection to allowance of claim of Creditor, was served by ordinary U.S. Mail on the date of filing upon:

U.S. Trustee, 170 N. High St., Ste. 200, Columbus, OH 43215
Jeffrey M. Kellner, Chapter 13 Trustee, 131 N. Ludlow St., #900, Dayton, OH 45402
Matrix Acquisitions LLC, c/o Cheek Law Offices LLC, 471 E. Broad Street, 12th Floor, Columbus, Ohio 43215
James & Diane Ernst, 3584 East Salinas Circle, Dayton, Ohio 45440

/s/ Wayne P. Novick
Wayne P. Novick
Attorney for Debtor

Dated:

Served by: /s/ Wayne P. Novick